

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Harold J. Plourde, Jr.

Confirmation No.: 3244

Group Art Unit: 2621

Serial No.: 10/008,624

Examiner: Chowdhury, Nigar

Filed: December 6, 2001

Docket No.: A-7313 (191910-1960)

For: **Converting Time-Shift Buffering for Personal Video Recording Into Permanent Recordings**

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to MPEP 1302.14 and 37 C.F.R. 1.104, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

REMARKS

Applicants wish to correct the record pertaining to the statements made as reasons of allowance in the Notice of Allowance dated April 10, 2007. The Statement of Reasons for Allowance includes some broad conclusory statements that may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicants provide the following comments.

First, Applicants assert that there are multiple grounds supporting allowance of the presently pending claims, including grounds in addition to those stated in the Statement of Reasons for Allowance. Accordingly, it should not be assumed that Applicants agree with the accuracy of the characterizations of the cited references and the claim elements in the Statement of Reasons for Allowance.

Second, in accordance with 35 U.S.C. Section 282: "Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim." Thus, any dependent claims that are not addressed by the Statement of Reasons for Allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Third, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Statement of Reasons for Allowance.

Fourth, Applicants respectfully note that the last paragraph on page 3 of the Notice of Allowance incorrectly (apparently by grammatical mistake given the context) alleges that

(emphasis added) “[***None*** of the prior art, either singly or in combination, ***fails to anticipate or render the above underlined limitations obvious.***” Quite the contrary, as evidenced by the Notice of Allowance, Applicants respectfully note that, the art of record indeed ***fails to*** anticipate or make obvious at least the limitations underlined in the Notice of Allowance.

Finally, Applicants respectfully note that the Reasons for Allowance section refers to the "invention" as pertaining to the claimed features, whereas indeed, Applicants' specification also supports other inventions not presently claimed.

CONCLUSION

Applicants respectfully request entry of the above-described statements pertaining to the Reasons for Allowance in the Notice of Allowance.

Respectfully submitted,

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